IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

WP(C).No. 23693 of 2006(U)

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CMA.23/2002 ,24/02 & 25/02 of SUB COURT, THIRUVALLA
OS.818/2000 of MUNSIFF COURT, THIRUVALLA

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PETITIONER:

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1. PRASANNAN NAIR, S/O. NJANAMMA THANKAMMA
   MAVUNGAL HOUSE, ANJILITHANAM MURI,
   KUNNAMTHANAM VILLAGE, MALLAPALLY TALUK,
   PATHANAMTHITTA DISTRICT.

2. K.T. KURIAN, KANIYANTHARA HOUSE,
   ANJILITHANAM MURI, KUNNAMTHANAM VILLAGE,
   MALLAPALLY TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.JIJO PAUL
SRI.BABU S. NAIR
SRI.ABRAHAM SAMSON

RESPONDENTS:

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1. KESAVAN, S/O. KUTTY, MAVUNGAL VEETTIL
   KAKKANATT KUZHIYIL, ANJILITHANAM MURI,
   KUNNAMTHANAM VILLAGE, MALLAPALLY TALUK,
   PATHANAMTHITTA DISTRICT.

2. RAJAPPAN, B/O. KESAVAN, MAVUNGAL VEETTIL
   KAKKANATT KUZHIYIL, ANJILITHANAM MURI,
   KUNNAMTHANAM VILLAGE, MALLAPPALLY TALUK,
   PATHANAMTHITTA DISTRICT.

BY ADV. SRI.P.HARIDAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX:

EXT.P1: COPY OF OS 818/00 OF MUNSIFF CURT, THIRUVALLA DT.10/11/00

EXT.P2: COPY OF OS 783/00 OF MUNSIFF COURT, THIRUVALLA DT. NOVember2000

EXT.P3: COPY OF COMMISSION REPORT DT.10/11/00 IN OS 783/00

EXT.P3(a): COPY OF ROUGH SKETCH OF PLAINT SCHEDULE PROPERTY IN OS 783/00

EXT.P4: COPY OF COMMISSION REPORT DT.7/12/00 IN OS 818/00 OF MUNSIFF COURT, THIRUVALLA

EXT.P4(a):COPY OF ROUGH SKETCH OF PLAINT SCHEDULE PROPERTY IN OS 818/00

EXT.P5: COPY OF COMMISSION REPORT DT.25/5/01 IN OS 818/00

EXT.P6: COPY OF COMMISSION REPORT 7/7/01 IN OS 818/00

EXT.P7: COPY OF COMMON ORDER DT.16/8/02 IN IA 3639/00, IA 3775/00 AND IA 3776/00 IN OS 818/00 OF MUNSIFF COURT, THIRUVALLA

EXT.P8: COPY OF COMMON ORDER DT.30/6/06 OF APPELLATE COURT IN CMA.23/02, 24/02 & 25/02 OF SUB COURT, THIRUVALLA

//True copy//

SHW TO JUDGE.

**M.SASIDHARAN NAMBIAR,J.**

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W.P.(C) .NO.23693 OF 2006

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Dated 18th January 2007

**J U D G M E N T**

Order of stay of execution was passed by Sub court, Thiruvalla in C.M.A.Nos.23/02, 24/02 and 25/02 whereunder order of mandatory injunction allowed under I.A.3776/06 by the trial court directing petitioners herein to remove the obstructions from the entry portion of item No.4 was confirmed. It is submitted by learned counsel appearing for petitioners and respondents that after recording the evidence suit is posted for hearing the arguments. In such circumstance, this petition is disposed making it clear that the orders passed in I.A.3777/06 and 3776/06 and confirmed in C.M.A.Nos.23/02, 24/02 and 25/02 are subject to the result of the suit.

Writ petition is disposed accordingly.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.